

1617 Westcliff LLC v. Wells Fargo Bank N.A., Case No. SACV 14-1941 JVS (DFMx)

Tentative Minute Order re Motion *in Limine* No. 1

On September 23, 2019, Wells Fargo N.A. *et al.* (collectively “Wells Fargo”) filed a motion *in limine* to exclude Wells Fargo Bank N.A.’s 2017’s Annual Report. (Docket No. 188.) 1617 Westcliff LLC has failed to file an opposition. Under the Local Rules, that is a sufficient basis to grant the motion. (Local Rule 7-12.)

On the merits, the Court grants the motion is part. Much of the report is simply irrelevant to a showing of Wells Fargo’s financial worth for punitive damages purposes. Given the company’s legal difficulties in recent years, the Annual Report also likely contains highly prejudicial matter. (Fed. R. Evid. 403.)

Assuming authentication, the Court would likely admit discrete financial documents such as a balance sheet. The Court would also likely admit similar extracts from the 2018 Report and if available the 2019 Report. These document are readily available through the SEC’s Edgar website.

1617 Westcliff LLC shall make an offer of proof of specific documents outside the presence of the jury before offering or arguing the content of such documents.

The motion is granted as indicated.